

## II. REMARKS

### A. INTRODUCTION

In this Office Action claims 1-4 are noted as pending and are rejected based on prior art. In summary of this Response, claims 1 and 3 are amended and remarks are provided.

### B. REJECTION OF CLAIMS 1 AND 3 UNDER 35 U.S.C. §102

These claims have been rejected as being anticipated by Maxham et al., U.S. Patent 6,411,407. The Office Action indicates that the reference allegedly discloses, among other recited features:

an optical multiplexing unit (WDM multiplexer, fig. 5, also see fig. 4), which generates a wavelength-multiplexed signal by optically multiplexing the main signals (In 1- In N, fig. 5) and the first and second optical supervisory signals, and transmits the wavelength-multiplexed signal onto said optical transmission line (column 4, lines 11-16, column 5, lines 47-66, fig. 5);

In response thereto, it is respectfully submitted that the present invention, as recited by amended claims 1 and 3, was neither anticipated nor made obvious by the cited reference for the following reasons.

Maxham discloses a first OSC signal ( $\lambda_1$ :1528nm) transmitted with main signals (In 1-In N) by multiplexing the first OSC signal and the main signals when a transmission direction is from west to east and, separately, a second OSC signal ( $\lambda_2$ :1563 nm) transmitted with main signals (In1-InN) by multiplexing the second OSC signal and the main signals, when the transmission direction is from east to west (see, e.g. col., 1, lines 45-52, col. 2, lines 37-58, (particularly lines 52-58), col. 3, lines 55-60 and Figures 1A, 2 and 3).

Amended independent claims 1 and 3 herein, on the other hand, recite that the main signals, the first OSC signal arranged on a shorter-wavelength side of the main signals, and the second OSC signal arranged on a longer-wavelength side of the main signals are multiplexed together simultaneously. See, e.g., page 9, line 27 to page 10, line 19, and Figs. 1-3 of the application as filed for support.

Accordingly, Maxham fails to teach discuss or teach at least this feature of claims 1 and 3, as it lacks a simultaneous multiplexing of the three signals together, and suggests no need or means for doing so.

C. REJECTION OF CLAIMS 2 AND 4 UNDER 35 U.S.C. §103

These claims have been rejected as being made obvious by a combination of Maxham, discussed above, which is admitted in the action to lack a teaching of as least the reacted clock information and ASPD shut down, for which Onaka et al., U.S. Patent 6,941,078 and Iwaki et al., U.S. Published Application No. 2002/0024690 are cited respectively.

In response thereto, it is respectfully submitted that the present invention, as recited by claims 2 and 4 was not made obvious by the cited prior art combinations for the following reasons.

The above comments regarding the incomplete teaching of Maxham relative to independent claims 1 and 3, from which rejected claims 2 and 4 depend, are expressly incorporated herein. Further, neither Onaka et al. nor Iwaki et al. adequately compensate for Maxham, at least in regard to the multiplexing as now recited. Accordingly, regardless of whatever teaching these secondary references may have, the overall combinations suggested fail to render obvious the inventions recited by claims 2 and 4.

III. CONCLUSION:

In light of the above amendments and remarks, it is respectfully submitted that claims 1-4 are now in condition for allowance.

If there are any additional fees associated with this Response, please charge same to our Deposit Account No. 19-3935.

Finally, if there are any formal matters remaining after this Response, the undersigned would appreciate a telephone conference with the Examiner to attend to these matters.

Respectfully submitted,

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